

ALLEGED SHIPMENT: On or about December 23, 1942, from the State of Ohio into the State of Iowa.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent vitamin B₁, had been in whole or in part omitted from the article, since the article was represented to contain 660 International Units of vitamin B₁ per fluid ounce, whereas it contained approximately 330 International Units of vitamin B₁ per fluid ounce.

Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary use by man by reason of its vitamin properties and by reason of its mineral properties, which use included treating disease resulting from a dietary deficiency of iron, and its label did not bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamin B₁ and B₂ (vitamin G) which would be supplied by the article when consumed as directed during a period of 1 day; it did not bear a statement that the need in human nutrition has not been established for vitamin B₆ (pyridoxine) and pantothenic acid; and it did not bear a statement of the quantity of iron contained in a specified quantity of the article.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1106.

DISPOSITION: On October 25, 1943, the defendants entered pleas of guilty and the court sentenced the individual defendant to pay a fine of \$50 on each of the first 4 counts, relating to the Be Bex. The court also imposed a fine of \$100 on the fifth count, which related to a different article, a drug, making a total fine of \$300 and costs. The same sentence was imposed against the corporate defendant, but was suspended.

6787. Misbranding of Bates vitamin preparations. U. S. v. 320 Bottles of Vitamin Preparations. Decree of condemnation. Products ordered released under bond for relabeling. (F. D. C. No. 9897. Sample Nos. 3056-F to 3063-F, incl.)

LIBEL FILED: On or about May 13, 1943, Western District of Missouri.

ALLEGED SHIPMENT: From Chicago, Ill., by the Bates Laboratories, Inc.

PRODUCT: 24 bottles, each containing 120 tablets, of Bates Natural B Complex, and 16 bottles of Bates Riboflavin Vitamin B₂ (G), 16 bottles of Bates (Thiamin) Vitamin B₁, 16 bottles of Bates (Nicotinic Acid) Niacin, 16 bottles of Bates (Ascorbic Acid) Vitamin C, 24 bottles of Bates Vitamin A and D, and 208 bottles of Bates Calcium Pantothenate, each of which contained 30 tablets, at Kansas City, Mo. The articles were received by the consignee between February 2 and March 20, 1943.

Examination disclosed that the natural B complex tablets contained riboflavin, thiamine, and yeast; that the riboflavin tablets and the thiamine tablets contained riboflavin and thiamine, respectively; that the niacin tablets contained 10.7 milligrams of niacin each; that the vitamin C tablets contained 30.4 milligrams of ascorbic acid each; that the vitamin A and D tablets contained vitamins A and D; and that the calcium pantothenate tablets contained approximately 10 milligrams of calcium pantothenate each.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements appearing on the display cards headed "Vibrant Health and Beauty," on the circulars headed "We Feature the Complete Line of Bates Vitamin Products," on the placards headed "Bates Anti-Grey Hair Vitamins," and on the leaflets entitled "Bates Line of Vitamins," were false and misleading since they represented and suggested that the articles, singly or in combination, were effective treatments for loss of weight, loss of appetite, nervous disorders, skin troubles, nutritional disorders, bleeding gums, anemia, indigestion, gray hair, general body weakness, night blindness, impaired reproduction and lactation, atrophy of glands, teeth decay, nail brittleness, constipation, abdominal distress, gas, nausea, headaches, asthenia, damage to heart muscles, and retarded growth, whereas the articles, singly or in combination, were not effective treatments for the conditions mentioned; and, Section 403 (j), the natural B complex tablets and the calcium pantothenate tablets purported to be and were represented as foods for special dietary uses by reason of their vitamin content and calcium pantothenate content, respectively, and their labels failed to state, as required by the regulations, in the case of the B Complex Tablets, that the need in human nutrition for vitamin B₆, pantothenic acid, and all other factors of the B complex as found in dried brewers' yeast (except thiamine, riboflavin, and niacin), has not been established, and, in the case of the calcium pantothenate tablets, that the need for calcium pantothenate in human nutrition has not been established.

The articles were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1128.

DISPOSITION: June 26, 1943. The Bates Laboratories, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be relabeled in compliance with the law, under the supervision of an employee designated by the Federal Security Administrator.

6788. Adulteration and misbranding of C₂ Minnrell. U. S. v. 12 Jars of C₂ Minnrell. Default decree of condemnation and destruction. (F. D. C. No. 9501. Sample No. 37909-F.)

LIBEL FILED: March 25, 1943, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 13, 1942, from Minnrell, Inc., Des Moines, Iowa.

PRODUCT: C₂ Minnrell: 12 jars, each containing 1 pound, at Fort Wayne, Ind. Examination disclosed that the product consisted essentially of lactose, dried whey powder, and mineral salts, and that it contained 12.7 percent of calcium as calcium oxide, 17.0 percent of phosphorus as phosphorus pentoxide, and small quantities of salts of iron, aluminum, manganese, magnesium, sodium, and potassium. The product was represented on its label to possess, in each teaspoonful, approximately 1 gram of calcium, 1 gram of phosphorus, and 10 milligrams of iron, in addition to other mineral elements, whereas it was more than 50 percent deficient in the represented amounts of calcium, phosphorus, and iron.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, calcium, phosphorus, and iron, had been in whole or in part omitted, since the article did not contain the represented amounts of calcium, phosphorus, and iron.

Misbranding, Section 403 (a), because of false and misleading statements on the label of the article and in the circulars entitled "Why C₂ Minnrell?", "Drink a C₂ Minnrell Cocktail," and "Starvation No Matter How Much You Eat," which accompanied the article while it was in interstate commerce in the possession of the consignee and thereafter, and which represented and suggested that use of the article would be effective in preventing colds, excessive nervousness and fatigue, sleeplessness, loss of appetite, common disorders resulting from mineral deficiency, retarded growth, poor development of hair, nails, bones, and teeth, dental caries, poor utilization of iron, decreased hemoglobin and red blood cells, lack of vitality, rickets, excessive bleeding, heart atony, tetany (convulsions), hyperirritability, loss of body weight, digestive disturbances, poor water retention, salt hunger, miners' cramps, achlorhydria, anemia, muscular atrophy, scaly skin, bush sickness, weakness, impaired respiration, perverted appetite, irregular heart action, subnormal basal metabolism, enlarged thyroid gland (goiter), lowered mental activity, overweight, pallid complexion, vasodilatation, spasticity, rapid heart beat, arrhythmia, perosis, dermatitis, deficiencies related to insulin, inflammation of the skin, and abnormal suppuration; that such symptoms, diseases, and conditions were the result of consumption of ordinary foods lacking in minerals; that the product was of nutritional significance because of the presence of manganese, cobalt, copper, zinc, magnesium, chlorine, sulfur, potassium, sodium, and silicon; and that the article was a balanced mineral supplement, the use of which would insure proper mineral balance in the body and thereby result in vigorous health. The article would not be effective in preventing the symptoms, diseases, and conditions mentioned; such symptoms, diseases, and conditions were not the result of the consumption of ordinary foods; the article was not of nutritional significance because of the presence of the above-mentioned minerals; and use of the article would not insure proper mineral balance and vigorous health.

Further misbranding, Section 403 (j), the article purported to be and was represented in the circular entitled "Why C₂ Minnrell?" as a product for special dietary uses by reason of its mineral and riboflavin content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of iron, iodine, calcium, phosphorus, and riboflavin, and the quantity of magnesium, chlorine, sulfur, potassium, sodium, and silicon furnished by a specified quantity of the article when consumed as directed during a period of 1 day.